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General Assembly
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Official Records

71st plenary meeting
Tuesday, 2 April 2013, 10 a.m.
New York

President: Mr. Jeremić ..... (Serbia)

The meeting was called to order at 10.20 a.m.

Agenda item 7 (*continued*)

Organization of work, adoption of the agenda and allocation of items

The President: I now invite the attention of the General Assembly to a report by the President of the Final United Nations Conference on the Arms Trade Treaty on the outcome of the Conference, to be considered under agenda item 94, entitled "General and complete disarmament", and to document A/67/L.58, circulated under the same item.

Members will recall that, at its 2nd plenary meeting, on 21 September 2012, the General Assembly allocated agenda item 94 to the First Committee. In order for the Assembly to proceed expeditiously on this item, may I take it that the Assembly agrees to consider agenda item 94 directly in plenary meeting and to proceed immediately to its consideration?

It was so decided.

Agenda item 94 (*continued*)

General and complete disarmament

Draft resolution (A/67/L.58)

The President: The General Assembly will now hear a report by the President of the Final United Nations Conference on the Arms Trade Treaty on the outcome of the Conference, in accordance with paragraph 7 of resolution 67/234, of 24 December 2012, and to take action on draft resolution A/67/L.58.

In resolution 67/234, the General Assembly decided to remain seized of the matter of the arms trade treaty during the sixty-seventh session. Last week, the Final United Nations Conference on the Arms Trade Treaty came within reach of a consensual text, but regrettably was not able to finalize an agreement.

Today, we meet in this Hall to take action on draft resolution A/67/L.58, entitled "The Arms Trade Treaty", under agenda item 94, entitled "General and complete disarmament". The historic dimension of this day is reflected in the fact that a General Assembly draft resolution with an attached treaty text regulating the international trade in conventional arms is, for the first time, the subject of action in this Hall.

I would like to thank Ambassador Peter Woolcott of Australia, President of the Final United Nations Conference on the Arms Trade Treaty, for getting us so close to the finish line. I would also like to express my deep appreciation to his predecessor, Ambassador Roberto García Moritán of Argentina, for his tireless efforts in that process. Last, but certainly not least, I would like to recognize the key role that Secretary-General Ban Ki-moon has played in ensuring that this crucial issue remained at the top of the agenda of what he has aptly called our "over-armed world".

In 2006, Member States pledged in this very Hall to engage in a multilateral effort to produce a legally binding instrument establishing common standards for the import, export and transfer of conventional arms, including warships and battle tanks, combat aircraft and attack helicopters, as well as small arms and light

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weapons. I personally believe that the final text of that Conference meets those commitments to a great extent. I also believe that the lack of a regulatory framework on the import, export and transfer of conventional arms has made a daunting contribution to ongoing conflicts, regional instabilities, the displacement of peoples, terrorism and transnational organized crime. The final text underscores that point quite clearly. It also draws a link between the presence of weapons across the developing world, especially in conflict-affected areas, and the challenge of sustainable development and safeguarding human rights.

I believe that the final text is robust and actionable. It is also in many ways groundbreaking. It indicates that arms-exporting countries would be legally bound to report arms sales and transfers. They would also be obliged to make an assessment as to whether the weapons they sell could be used to facilitate human rights abuses and violations of humanitarian law. That would be an important step towards enhancing the transparency and strengthening the accountability mechanisms of the legitimate trade in arms, which the text explicitly reaffirms is within the sovereign rights of all Member States.

The final text also respects and protects the right of its signatories to regulate the buying and selling of conventional armaments, both domestically and internationally, as well as the primacy of national legislation in defining the conditions under which their citizens may own and operate arms.

While the text of the arms trade treaty represents an important step forward, much work remains to be done in other areas, especially on arms control and international disarmament. If the United Nations is to continue to play a key role in assisting countries in establishing or improving their respective arms control systems, additional efforts will need to be made in pushing forward progress in forums such as the Conference on Disarmament, which unfortunately has not produced significant progress for more than a decade.

Whatever the outcome of today's meeting, if the treaty is to be effective, we will need to keep working together to fulfil its goals. As President of the General Assembly, I sincerely hope that we will all continue with our efforts to bring an arms trade treaty into being.

I now give the floor to the President of the Final United Nations Conference on the Arms Trade Treaty, Ambassador Peter Woolcott .

Mr. Woolcott (Australia): Pursuant to operative paragraph 7 of General Assembly resolution 67/234, of 24 December 2012, it is an honour for me, as President of the Final United Nations Conference on the Arms Trade Treaty, to report on the outcome of the Conference to the General Assembly. This report, which will be made available on the website of the Final Conference, should be considered in conjunction with the report of the Final Conference, which was adopted on the evening of Thursday, 28 March, and is contained in document A/CONF.217/2013/2.

Since my endorsement as President-designate of the Final Conference at the informal consultations in New York on 20 November 2012 and throughout the Final Conference itself, I articulated a single goal for the Final Conference — an open and transparent process towards a consensus outcome on an arms trade treaty that, if implemented, would make a difference by reducing human suffering and saving lives. It is unfortunate that the Final Conference could not fully achieve that goal. On Thursday, 28 March, I ruled that there was not a consensus in the Final Conference for the adoption of the negotiated treaty text contained in the annex of document A/CONF.217/2013/L.3, due to the objections of the Islamic Republic of Iran, the Democratic People's Republic of Korea and the Syrian Arab Republic.

Nevertheless, that result should not diminish what was achieved at the Final Conference or the efforts of delegations since the final day of the United Nations Conference on the Arms Trade Treaty, held in July 2012, in working hard to bridge differences and achieve an arms trade treaty. Our open and transparent process at the Final Conference was conducive to that end.

From December 2012, I conducted a series of consultations — in New York and Geneva, as well as Addis Ababa, Beijing, Brussels, Cairo, Mexico City, Moscow, New Delhi, Paris, Port of Spain and Washington, D.C. — listening to the views of Governments in bilateral, regional, group and open-ended meetings. Throughout my consultations, I was clear about how the process would be conducted, and I offered no surprises. We set an ambitious programme of work for the Final Conference, and together we implemented it.

At the core of that programme of work were three reviews of the treaty text leading to the draft treaty texts introduced in accordance with the programme of work of the Final Conference, on 20, 22 and 27 March, respectively. Meeting those deadlines would not have been possible without the commitment of all delegations to the process. Each text built upon the previous draft and represented a fair expression of negotiation, compromise between major interests in the room and ultimately what might command consensus at the end of the Final Conference.

The process had two key elements designed to ensure, first, that views could be narrowed in a negotiating setting and, secondly, that there would be confidence in the legal quality of the final product. I am indebted to the cross-regional group of facilitators who led delegations through complex issues, sometimes late into the night; they were invaluable for the negotiating process. Their names are set out in the report of the Final Conference, but I want to pay tribute to them here again individually — Ambassador Mari Amano of Japan on brokering; Ambassador Paul Beijer of Sweden on scope; Mr. Roberto Dondisch of Mexico on diversion; Mr. Bouchaib Eloumni of Morocco on preamble, principles, and object and purpose; Ambassador Dell Higgie of New Zealand on general implementation and relationship with other international agreements; Ambassador Paul van den IJssel of the Netherlands on record-keeping and reporting; Ambassador Federico Perazza of Uruguay on final provisions; Mr. Zahid Rastam of Malaysia on transit and trans-shipment; Ambassador Riitta Resch of Finland on other considerations; Ms. Shorna Kay Richards and Ms. Michelle Walker of Jamaica on prohibitions; and Mr. Rob Wensley of South Africa on international cooperation and international assistance. The cross-regional drafting committee under the leadership of Deputy Foreign Minister Juan Manuel Gómez Robledo of Mexico, which represented all official United Nations languages and various legal traditions, helped to standardize the text and ensure that it met a high legal standard.

But ultimately, all delegations came together during the Final Conference, working hard and negotiating in a constructive manner and looking for success. The different interests and perspectives in the room required us to work through complex issues. The commitment of delegations across the arc of negotiation was truly impressive; they wanted a strong outcome. In the end, the Final Conference came very close to success; the final draft text is a compromise text that represents the broadest possible input of delegations. That text would make a difference to the broadest range of stakeholders. It would establish new common international standards in the conventional arms trade. It would also establish a forum, the Conference of States Parties, for transparency and accountability. The text would make an important difference by reducing human suffering and saving lives.

In looking back, I must recognize the contribution of my predecessor, Ambassador Roberto García Moritán of Argentina, whose work and tireless efforts allowed the Final Conference to have a firm basis for its work. I also want to recognize the role of civil society whose members brought their energy, dogged advocacy and sheer hard work to the whole process over many years.

I thank the Bureau of the Final Conference for its strong support and wise advice. I thank the Secretary-General, High Representative Angela Kane and the Secretary-General of the Conference, Daniel Prins, for their commitment to this process. I also thank the Secretariat staff who supported the work of the Final Conference, from the political officers of the United Nations Office for Disarmament Affairs to the Secretary and the conference services staff, the legal advisers, the interpreters, the document translators who did some great work in the final days of the Conference, the technical officers and the security staff. It was a team effort. Finally, I thank my team who worked tirelessly — Claire Elias, Namdi Payne, Guy Pollard, Rachel Stohl, Emily Street and my deputy, Paul Wilson.

In closing, I wish to thank all participants in the Final Conference for their hard work and dedication to the Arms Trade Treaty. It has been my honour and privilege to work with them during this process. With my statement today, my role as President of the Final Conference ends. But as Australian Permanent Representative to the United Nations in Geneva, I look forward to working with delegations into the future as we strive together to bring into force and implement an arms trade treaty.

The President: I now give the floor to the representative of Costa Rica to introduce draft resolution A/67/L.58.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): It is an honour to introduce to the General Assembly draft resolution A/67/L.58, entitled "The Arms Trade

Treaty" on behalf of more than 100 Member States. Through draft resolution A/67/L.58, we will adopt the arms trade treaty whose text is laid out in the annex to document A/CONF.217/2013/L.3.

After seven years of hard work culminating in the last two weeks of negotiations, we have before us a balanced and robust document. It is in essence the type of efficient and transparent treaty for which we so have arduously fought. The question we must ask ourselves now is not whether we should approve it, but why we have waited so long to do so. The time has come to act without delay. Let us reaffirm with factual evidence that the United Nations is able to address the most serious and most complex challenges that our peoples face, that it can turn fair expectations into tangible realities and that it is an indispensable organization in the twenty-first century.

Let today's meeting be one of which we can be proud. Let us turn today, 2 April 2013, into a historic day by adopting, at last, the arms trade treaty.

The President: We shall now proceed to consider draft resolution A/67/L.58, entitled "The Arms Trade Treaty". Before giving the floor to speakers in explanation of vote before the vote, may I remind delegations that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. Percaya (Indonesia): My delegation would like to explain its position before the vote on draft resolution A/67/L.58, entitled "The Arms Trade Treaty".

Indonesia supports the need to establish international standards for regulating international trade in conventional arms and preventing and eradicating their diversion towards illicit markets or their use for illegitimate purposes. However, the standard should be fair, transparent and non-discriminatory. We are aware that the majority of countries have been expecting to adopt an arms trade treaty (ATT) and believe that the entry into force of such a treaty would contribute to corrective efforts being undertaken to reduce human suffering. Accordingly, because my country respects the aspirations of those countries, Indonesia has never stood in the way of the possible adoption of a text by consensus at the United Nations conferences on the ATT.

While respecting the aspirations of those countries, Indonesia will abstain in the voting on the draft resolution A/67/L.58 for the following reasons, inter alia.

First, the text of the ATT laid out in the annex to document A/CONF.217/2013/L.3, despite its many positives, contains substantive deficiencies. It does not provide a fair balance in its attempt to accommodate the legitimate interests of the majority of importing States.

Secondly, it does not reflect the reality that, in the case of intra-State conflict, States have rights and responsibilities to protect civilians, as well as to defend their national unity and integrity.

Thirdly, the scope of the arms trade treaty has been expanded and is not entirely clear. It covers only the 7+1 categories, but includes ammunitions, munitions and components. Moreover, the scope can be extended by the exporting States to the broadest possible range of conventional weapons.

Fourthly, the text unfairly favours exporting States in judging the parameter and meaning of a serious violation of international humanitarian law or international human rights law. Our proposal to establish an independent panel or independent advisory group consisting of eminent persons of high moral standing who have expertise in human rights and international law with mandates to observe and scrutinize the application of human rights law and humanitarian law is not reflected in the text.

Lastly, the text does not prohibit unauthorized and unlawful non-State actors from possessing or using arms as defined in the scope of the arms trade treaty.

Therefore, Indonesia is not yet in a position to consent to acceptance of the text. A careful examination will be conducted in our capital involving all the relevant stakeholders, from the Government, think tanks and universities, members of Parliament and civil society. The text will be scrutinized in a transparent and comprehensive manner pursuant to the national laws and the security needs of Indonesia.

Before I conclude, allow me to commend the President of the Final United Nations Conference on the Arms Trade Treaty, Ambassador Peter Woolcott of Australia, for his tireless efforts. He made his best effort to try to reflect in the text proposals by countries, including Indonesia, that enjoy support from numerous countries. We would also like to congratulate the States, as well as civil society, that have, from the very beginning, supported the early conclusion of an arms

trade treaty. I join them in hoping that the adoption of the arms trade treaty and its entry into force will bring about concrete results in reducing human suffering, building confidence among States and contributing to international peace, security and stability.

Mr. Ja'afari (Syrian Arab Republic) (*spoke in Arabic*): My delegation would like to extend its heartfelt thanks to Ambassador Wolcott, President of the Final United Nations Conference on the Arms Trade Treaty, for his efforts to bring the views of Member States closer together, despite of the differences and contradictions, with a view to reaching an acceptable draft of the arms trade treaty that can enjoy consensus. All of us in the Hall recognize that his task was never an easy one due to the significant and fundamental differences in the positions of Member States and the conflicting political interests among countries.

My delegation would like to emphasize its full support for the global trend towards building a world free from the use and the threat of use of force that is governed by the purposes and principles of the Charter of the United Nations, which are based on justice, equality and peace. We wish to confirm our readiness to participate in any international effort that seeks to achieve that goal in good faith.

As mentioned by the President of the Conference, we have worked for years, like other Member States, in order to achieve a good treaty — not one that is inapplicable or used solely as a means of bringing pressure to bear on others in the future, as was the case with other important instruments. We are not against the treaty. We believe that, if it were to be concluded by consensus, as required, it would be a major gain for the international community. We need a good treaty that we will not regret later and that will not be used for political exploitation by some States against others.

My country, Syria, will not be on the side of obstructing a treaty to which we all aspire. However, those who have impeded a fair and balanced treaty are the ones who refused to pay attention to the concerns and worries of a large segment of Member States. We in Syria are interested more than others in concluding and adopting a good and viable treaty that paves the way for a new era in dealing with issues concerning the illicit arms trade, instead of the state of immoral chaos that currently prevails in that area. The shadow of that anarchy falls over international peace and security and blatantly ignores the concerns of victims and the disadvantaged, in favour of the interests of users and warmongers.

My country is among the Member States that have always sought to legalize and regulate the arms trade, due to the risks posed by the illegal arms trade to international peace and security. A case in point is what my country is currently witnessing due to that bloody trade, which indiscriminately supports terrorism and its perpetrators against Syria and its people. Certain countries among those that strongly supported the draft treaty before us are fully engaged in supplying terrorist groups in Syria with all kinds of lethal weapons, which claim the lives of thousands of civilians and destroy the country's infrastructure. That in itself explains the objection that those States raised to the inclusion of a paragraph banning supplying unauthorized non-State actors with weapons. That is political hypocrisy and a clear indication that the draft treaty before us is selective, and therefore cannot enjoy consensus.

My delegation has worked hard to achieve a treaty based on consensus that safeguards the rights of all States, be they exporting or importing ones. We have tried to bring different perspectives closer together by holding several meetings attended by a number of like-minded delegations, as well as by meeting with the President of the Conference more than once. We presented to him a number of essential points that we wanted to be included in the text of the treaty before us in order to make it balanced and able to meet the expectations of all Member States. Regrettably, that effort, like many parallel efforts undertaken by other delegations interested in the adoption of a compromise text, have been lost because of the insistence of some on protecting the interests of arms producers, at the expense of the interests, concerns and security of a wide range of countries. Accordingly, my delegation, having exhausted all methods of persuasion and dialogue, finds itself compelled to vote against the draft treaty text attached to the draft resolution contained in the document A/67/L.58, for the following reasons.

First, the draft treaty ignores the proposals by a number of States, including Syria, to include a reference to foreign occupation and the inalienable right of peoples under such occupation to self-determination. As the Assembly well knows, Israel still occupies Arab lands in the Syrian Golan, Palestine and South Lebanon.

Second, the draft treaty does not contain a clear paragraph referring to the categorical prohibition of

the supply of arms to unauthorized non-State terrorist actors and groups. My country cannot accept the omission of that serious issue, from which Syria is suffering currently due to the fact that some countries are supplying terrorist groups with weapons. That omission is mainly due to the shameful disregard by Member States of the provisions of the Charter of the United Nations and the principles of international law by ignoring the involvement and complicity of Arab, regional and Western authorities in illegal arms smuggling to Syria in order to undermine any hope of a peaceful political resolution to the Syrian crisis, in accordance with Security Council resolutions 2042 (2012) and 2043 (2012).

Third, the draft treaty fails to include a special section on definitions to address certain ambiguities related to the concepts and the arms covered by the treaty. Without clarifying the definitions and terminology, those who approve of the draft treaty are like someone who is asked to swim without first knowing how to float.

Fourth, the draft treaty fails to reflect a very important topic, namely, the crime of aggression as defined and internationally agreed upon in resolution 3314 (XXIX), of 1974.

Fifth, selectivity in arms control and transparency does not represent a balanced and comprehensive starting point. That would impede the international community's ability to reach a commitment on disarmament in a practical, transparent and impartial manner.

Sixth, in its current form, the draft treaty constitutes interference with the powers of the Security Council. We would like this to set a precedent for international efforts before completing the Security Council reform.

Seventh, in its current form, the treaty is not consensual, as it does not take into consideration the positions and opinions of many nations, including those of my country.

The proposed draft resolution is incomplete and unbalanced; it protects the interests of some States at the expense of the interests of others. My delegation believes that it is important to allow for action and follow-up negotiations in earnest on an arms trade treaty that ensures balance, equality and justice among Member States and that strives to maintain international peace and security, rather than abusing, in one way or another, the security and peace of many Member States and ignoring their fundamental national interests.

Mr. Reyes Rodríguez (Cuba) (*spoke in Spanish*): Our delegation would like to make the following explanation of vote with regard to draft resolution A/67/L. 58, entitled "The Arms Trade Treaty".

The working principle of adopting decisions by consensus was established from the beginning of the arms trade treaty process, with the understanding that that was the way to ensure a strong, effective and balanced treaty that was acceptable to all States. The principle of consensus has always been considered essential in the process, given the fact that the outcome would be a legally binding instrument on the arms trade that would have, inter alia, important political, economic and security-related implications for all States.

The Final United Nations Conference on the Arms Trade Treaty, which concluded on 28 March, was unable to reach consensus on the adoption of the draft treaty put forward by the President of the Conference, owing to the clear differences among the positions of the participating States with regard to the text. Despite that, a group of delegations decided to force a decision by the General Assembly on a draft treaty that did not achieve the desired consensus. That is to say that an approach, which is not shared by Cuba, has been imposed in which the only possible successful outcome of the process that we have been undertaking is that of the adoption of a treaty at any price, even when it does not duly take into account the legitimate interests of all States. In Cuba's opinion, what was necessary was the continuation of a broad, transparent and inclusive negotiating process with the participation of all States until the necessary consensus was achieved. Unfortunately, as we have pointed out, that did not happen.

We never expected to achieve an ideal and perfect treaty. We are realistic. However, we participated in the Conference fully committed to the mandate of resolution 67/234, which sets forth that the treaty resulting from that process should be strong, balanced and effective. Regrettably, that mandate was not met.

The Conference provided a historic opportunity to respond effectively to the serious consequences of the illicit and unregulated arms trade for many people and States throughout the world. That historic opportunity was not appropriately seized. Unfortunately, the final draft of the treaty that is now being considered for

adoption was not up to the just demands and needs of the international community, and therefore did not enjoy consensus.

As we have already indicated, we believe that the draft arms trade treaty that has been introduced has serious limitations, which led to our delegation's decision to abstain in the voting owing to the multiple ambiguities, inconsistencies, lack of definitions and legal loopholes that characterize its text, among other reasons. This is an unbalanced document that favours the interests of the arms-exporting States, for which privileges have been established that are detrimental to the legitimate interests of the rest of the States, including on matters of defence and national security. Moreover, the points of view of some exporting States were favoured over the human suffering caused by the illicit and unregulated arms trade.

A prohibition of international arms transfers to individuals, groups and institutions that are not duly authorized by the governmental authorities of receiving State was omitted, although there is evidence that such non-State actors are among the primary parties responsible for the illicit diversion of and trade in arms and its associated scourges. That omission significantly weakens the instrument and undermines its efficacy and effectiveness. What is worse, by not prohibiting those, the treaty actually legitimizes arms transfers without the consent of the Government of the receiving State, which constitutes a flagrant violation of the principles enshrined in the Charter of the United Nations with regard to non-interference in the internal affairs, the political independence and the territorial integrity of States.

It is unjustifiable that the final draft of the treaty eliminates the ban on the transfer of arms for actions involving the use or threat of the use of force in contravention of the Charter of the United Nations, including acts of aggression in particular. The principles that should guide the application of the treaty, the minimum guarantee that the majority of States will rely on in order to deal with possible abuses or manipulation, are still unreasonably excluded from the treaty's operative part; their relevance in the context of the treaty's application was intentionally weakened. The final draft of the treaty gives arms-exporting States the privilege of evaluating the behaviour of importing States at their discretion, on the basis of a list of subjective and imprecise criteria that could easily be abused or manipulated for political reasons, in order to create obstacles to the right of States to acquire and possess arms for their legitimate self-defence, a principle recognized in Article 51 of the Charter.

The lack of clarity on the scope of the treaty creates a real danger that every State will define that scope in its own way and that it will thus be applied inconsistently. Since the scope does not expressly exclude dual-use parts and components that have broad application for legitimate peaceful uses, the treaty could eventually become a new system for controlling the transfer of technology, equipment and parts that would have an effect on their use in civilian life, especially for those countries that need such resources for development. And the fact that the treaty's ratification by the principal producers and exporters of arms is not a requisite for its entry into force undermines its effectiveness and universality.

Mr. Beck (Palau), Vice-President, took the Chair.

In conclusion, I would like to say that, on the subject of the arms trade treaty, the Cuban authorities reserve the right to take a definitive position when the time comes to do so. Our country has been an active and constructive participant throughout the process; our delegation submitted many proposals, both in our national capacity and jointly with other countries. In that spirit, I would like to emphasize that Cuba will continue to implement measures aimed at preventing and combating the illegal arms trade, conscious, as we are, of the legitimate humanitarian concerns associated with it. We reiterate that commitment here today, and we assure the Assembly that illicit arms trading cannot exist in Cuba because we have a system that ensures its impossibility.

Mr. Hermida Castillo (Nicaragua) (*spoke in Spanish*): At the outset, Nicaragua would like to thank the Ambassador of Australia for his report and for all his efforts during the negotiations.

We would also like to state our position on the treaty that we are about to adopt on the arms trade, as contained in draft resolution A/67/L.58. Nicaragua has always worked on the premise of the possibility of reaching consensus. Unfortunately, however, we did not have the political will necessary to accommodate the positions of all the parties — one that would have enabled us to arrive at a consensus on a balanced, non-discriminatory text. My country has committed and is taking the measures necessary to help combat and eradicate the illicit trade in arms. Aware as we

are of our commitment to peace for our people and to fighting and preventing illicit arms trafficking, we have incorporated into our national legislation the reform of our programme of action and our instrument for tracking arms through a special law controlling and regulating firearms, ammunition, explosives and other related materials. Law No. 510 has launched a new era that includes a rigorous programme for registering firearms in civilian hands, as well as for confiscating weapons of war.

We are aware of the humanitarian impact and all the consequences of this scourge, particularly in our region of Central America. It is for that reason that we are committed to creating a regime that is truly multilateral and that reflects, in a balanced and objective manner, the views of all States parties. It is only in that way that we will be able to achieve a solid, balanced, responsible and effective treaty. We have always said that any attempt to do anything else would risk making it vulnerable to political abuse. For obvious reasons, such a treaty would not be sufficiently credible, and an opportunity would be wasted to achieve universality, which is indispensable to the legitimacy of this type of treaty. It is unfortunate that a treaty such as this has to be adopted by vote rather than by consensus.

Speaking generally, we are concerned about various elements in the treaty. For instance, there is no mention of a ban on arms transfers to non-State actors, which seems very dangerous to us, since if such a ban is not included, it could be interpreted to mean that such transfers are permitted. My delegation would like to recall that our country was a victim, in the 1980s, of precisely this policy of arming and financing non-State actors, resulting in, for example, the loss of tens of thousands of Nicaraguan lives. The Central American region now faces another scourge, namely, drug trafficking and organized crime. There is no clear affirmation in the operative part of the draft treaty of States' sovereign right to act in self-defence and for their own security. There is no ban on arms transfers to States that adopt a policy of the use or threat of use of force or that commit crimes of aggression against other States.

The current text does not give importers a phased mechanism for appealing against political abuse. It makes it possible for the treaty as a whole to be vulnerable to potential manipulation, since it does not include parameters that are objective, measurable, concrete and based on generally accepted criteria that are quantifiable and easily verifiable. The treaty does not provide for the kind of clear and clearly defined terminology that can enable States parties to meet their obligations as predictably as possible. As it stands, the text uses many terms that are difficult to define and do not include the necessary definitions.

We note with concern a major bias towards producers and exporters of arms at the expense of importers, which affects States parties' national security. There is no consistency between the sections of the treaty that ensure that international assistance must hew to the same level of legal obligations; there is no reference to the excessive production of conventional weapons, and their growing arsenals, on the part of primary arms producers and exporters, which is an essential element that should have been included in the treaty. We continue to believe that every effort should be made to ensure that the production of arms, particularly in producer States, is done under international scrutiny.

For all of those reasons, Nicaragua will abstain in the voting on draft resolution A/67/L.58 on the arms trade treaty. The Government of Nicaragua will continue to study and analyse the treaty.

Mr. Valero Briceño (Bolivarian Republic of Venezuela) (*spoke in Spanish*): We thank Ambassador Peter Woolcott for his efforts in seeking an agreement on the draft treaty that we have before us today.

The Bolivarian Republic of Venezuela is fully committed to preventing, combating and eradicating the illicit trade in conventional weapons and has always believed that the best way to achieve those objectives is through a solid multilateral system that results in a balanced, objective and non-discriminatory treaty. We believe that the dynamic of the negotiations on the draft treaty, in particular the imposition of artificial timetables for its conclusion, has prevented the development of in-depth discussions that would have allowed us to achieve a genuine consensus worthy of inclusive multilateralism. Instead we find ourselves with a draft treaty that is susceptible to political manipulation and that lacks the elements necessary for becoming a universal and lasting instrument.

Our country believes that, in its current state, the draft treaty lacks balance both in nature and scope and fails to take into account the proposals made by numerous delegations. The draft treaty does not address the serious problems of the overproduction and stockpiling of conventional weapons by the world's

largest producers and exporters. It does not recognize the right of all States to acquire, produce, export, import and possess conventional arms for self-defence and security. It ignores the dangers that come with the transfers to unauthorized non-State actors, nor does it make any reference to crimes of aggression.

For the those reasons, my country will abstain in the voting on draft resolution A/67/L.58, entitled "The Arms Trade Treaty".

Mr. Llorentty Solíz (Plurinational State of Bolivia) (*spoke in Spanish*): At the outset, the Bolivian delegation would like to thank Ambassador Woolcott for his work during the Conference. We should also like to point out that the Political Constitution of the Plurinational State of Bolivia sets forth that our country is a pacifist country. We are therefore opposed to all forms of violence for the settlement of conflicts, which does not mean we renounce our legitimate right to self-defence, as we have maintained since the beginning of the discussions leading to an arms trade treaty.

Of course, Bolivia agrees that the international community should agree upon and transparently negotiate consensual limits on the arms trade, which has caused so much human suffering. Unfortunately, consensus was not reached, although we could have allowed ourselves more time for discussions and for the debate on numerous pending topics that had been proposed on repeated occasions by many delegations.

After a review of the treaty introduce for the consideration of the General Assembly, we came to the conclusion that the final draft has deficiencies, contradictions and gaps. We will mention just a few of the essential aspects.

First, there is an imbalance between the obligations of exporting countries and importing countries. That imbalance could affect the legitimate self-defence needs of importing countries. Of course, it favours an industry that lives off of the production of weapons. Again, priority is given to profit over human suffering and interventionism is legitimized notwithstanding the provisions of the Charter of the United Nations.

Furthermore, there is a lack of consistency in that one of the primary reasons for which it was agreed to establish the treaty — to fight the illicit traffic in weapons — is so insufficiently developed in the text, particularly in the part referring to the implementation of the treaty. It is not possible for explicit provisions on preventing the sale or transfer of weapons to irregular groups and non-State actors be left out. Nor is it acceptable that, despite the oft-repeated requests of many Member States, the text does not include provisions that explicitly address the need to prevent the sale of arms to countries involved in crimes of aggression and in the invasion of autonomous territories, or that are currently occupying other countries.

Lastly, we deem regretable the fact that the treaty's text is not sufficiently consistent with the spirit of the Conference on Disarmament and that it lacks specific provisions aimed at controlling and limiting the production of more weaponry.

Those and other observations, inconsistencies and gaps make the treaty vulnerable and subject to subjective interpretations and manipulation. The weapons, war and death industries will rest easy knowing that the treaty that is to be adopted today favours their economic interests. Bolivia has therefore decided to abstain in the voting on the draft resolution on the arms trade treaty before the Assembly.

Mr. Churkin (Russian Federation) (*spoke in Russian*): The draft international arms trade treaty (ATT) we are considering today contains a whole range of positive elements. Upon Russia's initiative, with which a significant number of delegations have associated themselve, a fundamentally new article has been formulated, one that prompts States to prevent, and indeed suppress, the transfer of weapons to illegal trade channels. That is the first step, albeit insufficient, on the path towards resolving the global problem related to the illicit trade in conventional arms.

What is also important is that the text enshrines an obligation on States to create effective national control systems for regulating the transfer of conventional arms. However, it was not backed by concrete measures that, taken together, would have prevented arms from being illegally traded.

The draft treaty contains a number of other shortcomings. Despite the aspirations of a number of States, the treaty does not include a ban on the supply of weapons to unauthorized non-State entities. That is a significant shortcoming that will inevitably have an impact on the effectiveness of the treaty.

An additional shortcoming pertains to a number of sensitive issues that could give rise to future diverging interpretations of treaty obligations. Humanitarian

criteria for risk assessment are insufficiently clearly spelled out, which could lead to curious interpretations that in turn could be used by individual States for political purposes or to improve competitiveness. In that context, we would like to especially focus on the wording of article 6, paragraph 3, pursuant to which

> "[a] State Party shall not authorize any transfer of conventional arms ... if it has knowledge at the time of authorization that the arms or items would be used in the commission of genocide, crimes against humanity, grave breaches of the Geneva Conventions of 1949 ..."

According to assurances that we have received from the President of the Conference and sponsors of that wording, the term "knowledge" in legal English is a considerably broader concept than "to be informed of" and indicates full conviction of something based on all aggregated data. We are also assured that a conclusion as to the existence or absence of knowledge can be reached only by the exporting State itself. In the context of the ATT, Russia will rely on its own understanding of the term "knowledge". Furthermore, in the Russian text of the treaty, the wording will have to be translated as "possesses reliable knowledge".

On the whole, we note that the draft in its current form could, we hope, introduce a number of positive elements into international trade and arms. However, it fails to attain the standards that, in line with existing international practice, are applied not only in the Russian Federation, but also in many other States. Out of respect for the desire of many States to conclude and open for signature an arms trade treaty as soon as possible, we were prepared not to object to the Conference's decision to approve the treaty's text. However, today we cannot offer it our unambiguous support and will abstain in the voting.

The ATT draft, as I have already stated, contains significant exceptions and provisions that give rise to doubts and questions. Until the very last minute, the text was subject to significant changes requiring comprehensive consideration, which in turn requires time. Therefore, we intend to thoroughly work on the draft in Moscow; following that, we will decide whether it would be advisable to give our support to the treaty.

Mr. Lasso Mendoza (Ecuador) (*spoke in Spanish*): My delegation wishes to explain our vote on draft resolution A/67/L.58, submitted for the General Assembly's consideration on the arms trade treaty (ATT).

I should like to begin by recognizing the efforts of Ambassador Peter Woolcott and his team throughout the two-week process in trying to deliver a text that incorporates the opinions of all States participating in the Final United Nations Conference on the Arms Trade Treaty. We appreciate the elimination from article 7, on export and export assessment, of some highly subjective concepts that could have been used to apply undue political pressure and interference in the internal affairs of States.

Nevertheless, Ecuador believes that the text of the arms trade treaty continues to contain imbalances between the rights and obligations of importing and exporting States. That has been evident from the beginning. The lengthy deliberations and negotiations with the President of the Conference and his facilitators did not close those gaps. The gaps remain, and with them the possibility of the text serving the exporting countries' interests over those of the importing countries. It also increases the possibility that exporting countries may impose on and therefore endanger the security of the importers.

My delegation believes that various factors could have greatly diminished the imbalance in the treaty text. Transferring the section on principles to the operative part of the treaty could have done so. That did not happen despite the very-well-argued points of view that were offered by numerous delegations, including mine. Paragraph 3 of article 2, on scope, was not eliminated despite the insistence of many delegations. We believe that this paragraph could contradict the objectives referred to in article 1, in particular as related to diversion, transparency and the treaty's contribution to international and regional peace, security and stability.

Other problems relate to the reference in article 6, on prohibitions, to the crime of aggression; improved identification of the national evaluation criteria referred to in article 7, with the goal of preventing their political use by exporting States; the exclusion of the prohibition of transfers to non-State actors that do not have the due authorization of the State to which those transfers are sent; and the matter of States involved in acts of foreign occupation. In addition, and in spite of the reiterated requests of many delegations, we believe that the process that we just concluded could have gone beyond the process of negotiation between the President and the

States, which would have allowed for direct negotiations among States. For that reason, my delegation wishes to make it clear that such a modality should not be considered a precedent for future negotiations of any similar instruments within the United Nations.

My delegation wishes to express its serious concern over the open attempts of numerous delegations to redefine the rule of consensus. Had that proposal been accepted, it could have done unforeseen damage to States' future ability to make consensus-based decisions within multilateral organizations.

In conclusion, in spite of the failures and shortcomings of the text yet out of respect for the majority opinion in the General Assembly, the Government of Ecuador, through its competent authorities and entities, will carefully study the treaty in order to define its position. My delegation will therefore abstain in the voting.

Mr. Osman (Sudan) (*spoke in Arabic*): At the outset, allow me to join those who have extended thanks to Ambassador Peter Woolcott, President of the Final United Nations Conference on the Arms Trade Treaty, for his efforts during the negotiation process.

We affirm that the Sudan, like all other States in our international system, is committed to regulating the arms trade to serve the sound use of such trade, which would strengthen the stability of all States. With that objective in mind, our delegation participated effectively in the negotiating process and in a sincere effort to arrive at a balanced treaty. However, unfortunately, our most important concerns, which are shared by numerous other States, have not been taken into consideration. These can be summarized as follows.

The Treaty does not include any reference to the prohibition of importing arms to groups and individuals, which opens the door wide to arming the mutinous groups that are currently destabilizing security and stability in my country. Those groups refuse to give up arms, listen to the voice of reason and sit at the negotiating table. We should guarantee that such groups do not have access to weapons with which they can undermine stability.

Article 6, on the prohibition of transfers, is based on Security Council resolutions. Instead, it should have been based on the Charter of the United Nations and its principles, which are more comprehensive than those of the Security Council. The article has no entry on abbreviations and definitions, which increases the possibility that the treaty will be politicized and interpreted by exporting States to suit their own interests. The Treaty contains terms of reference that we respect and to which we are committed, but are also open to politicization in this context. Those include, inter alia, human rights, international humanitarian law and their association with war crimes and crimes against humanity.

Based on those reasons, my delegation will abstain in the voting and anticipates that its abstention will be included in the record of the meeting.

Mr. Masood Khan (Pakistan): We pay a rich and well-deserved tribute to Ambassador Peter Woolcott for his untiring efforts to lead the Final United Nations Conference on the Arms Trade Treaty to success. Pakistan will vote in favour of draft resolution A/67/L.58 on the arms trade treaty (ATT). We will do so to demonstrate our solidarity with the people and States negatively impacted by unregulated and illicit trade in conventional arms, particularly small arms and light weapons. In so doing, we also respond to the aspirations of a broad coalition of States from Africa, Latin America, the Caribbean region and Europe, as well as to the strong advocacy of international civil society and the media.

We recognize and support the humanitarian spirit that has guided the initiative towards an arms trade treaty. We agree that it is time to establish global benchmarks to regulate the transfer of conventional arms. We earnestly hope that the ATT is able to achieve the noble goals that are enshrined in its text. We also believe that credible steps need to be taken to ensure that conventional weapons and munitions, small or heavy, will not be used for terrorism, for transnational crime or in violation of human rights or humanitarian law, and that they will not be illegally diverted. The Government and the people of Pakistan share those ideals and aspirations.

We agree that the ATT is not an arms control or disarmament treaty. The treaty is about responsible arms trade and reducing human suffering and saving human lives. We regret that it could not be adopted by consensus. A little more flexibility on the part of all sides could have addressed that problem. Universality would have ensured wider validity and a more predictable implementation.

As the President of the United Nations Final Conference ruled on 28 March, the text of the ATT could not be adopted by consensus. The text was transmitted to the General Assembly for action by vote. That procedure does not alter the well-established rule of consensus within the United Nations system or other multilateral forums. The meaning of consensus in the framework of United Nations action is generally understood to mean adoption of a decision without formal objection and vote. Selective interpretation of the rules of procedure and departure from the established working methods in treaty negotiations do not constitute any precedent for future multilateral treaty negotiations in the field of security and disarmament.

I take this opportunity to highlight once again some of the key aspects to which Pakistan repeatedly drew attention, but that were not taken on board. First, arms acquisition by States motivated by security needs can hardly be separated from their production and sale, which are driven by profits and politics. The treaty text ignores the vital element of excessive production, which is an inseparable component of the entire chain of international trade in conventional arms. In our view, that is a serious omission which may impact the treaty's effectiveness in the long run.

Secondly, the treaty may be seen by many as essentially a product of and by the exporters. It may be perceived as not striking the necessary balance of interests and obligations among the exporters and importers, as well as the affected States. The call for balance was endorsed by an overwhelming majority. As we said at the conclusion of the diplomatic conference, some treaty provisions seek to endorse in a global legal instrument what existing national and plurilateral export control systems already cover. As a treaty anchored in humanitarian ideals, it is ironic to see the interests of some major exporting countries being protected in its text.

Thirdly, the treaty glossed over two lacunae. Those include, first, the absence of definitions. That omission represents a departure from established treaty practice. Such a deviation may be used by some exporters to circumvent provisions of the treaty. The multiplicity of national definitions goes against the central objective of the treaty, which is to establish the highest common international standards. The second is the lack of accountability of the exporters. Although the text creates a few responsibilities for the exporters, it does not provide a clear mechanism for the accountability of those exporters, which may flout or violate their new responsibilities, particularly those relating to established criteria. Such lack of oversight could reinforce the perception that the treaty is unfairly tilted in favour of the exporters.

We had hoped that the arms trade treaty review process would ensure that some of the concerns highlighted today are addressed effectively. Such a step would be key to promoting the effectiveness and universality of the treaty.

Finally, I request that this statement be reflected in the Assembly proceedings as well as in the official records.

The Acting President: We have heard the last speaker in explanation of vote before the voting.

The Assembly will now take action on draft resolution A/67/L.58, entitled "The Arms Trade Treaty". I give the floor to the Under-Secretary-General.

Mr. Graisse (Department for General Assembly and Conference Management): I should like to announce that, since the submission of draft resolution A/67/L.58, and in addition to those delegations listed in the document, the following countries have become sponsors of the draft resolution: Andorra, Barbados, Belize, Benin, Bosnia and Herzegovina, Burkina Faso, Burundi, the Central African Republic, Dominica, El Salvador, Gabon, Guinea-Bissau, Honduras, Ireland, Lesotho, Madagascar, Maldives, Malta, Micronesia, Monaco, Mongolia, Mozambique, Nauru, the Niger, Palau, Panama, Papua New Guinea, Paraguay, the Republic of Moldova, Saint Kitts and Nevis, Samoa, San Marino, Senegal, Seychelles, South Africa, South Sudan, Suriname, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, the United Republic of Tanzania, Uruguay and Vanuatu.

The Acting President: A recorded vote has been requested.

A recorded vote was taken.

In favour:

Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunai Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Central African

Republic, Chad, Chile, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nauru, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Seychelles, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Suriname, Sweden, Switzerland, Thailand, former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia

Against:

Democratic People's Republic of Korea, Iran (Islamic Republic of), Syrian Arab Republic

Abstaining:

Angola, Bahrain, Belarus, Bolivia (Plurinational State of), China, Cuba, Ecuador, Egypt, Fiji, India, Indonesia, Kuwait, Lao People's Democratic Republic, Myanmar, Nicaragua, Oman, Qatar, Russian Federation, Saudi Arabia, Sri Lanka, Sudan, Swaziland, Yemen

Draft resolution A/67/L.58 was adopted by 154 votes to 3, with 23 abstentions (resolution 67/234 B).

[Subsequently, the delegations of Angola and Cape Verde informed the Secretariat that they had intended to vote in favour.]

The President: I shall now give the floor to those representatives who have requested to speak in explanation of vote on the resolution just adopted.

Mrs. Ribeiro Viotti (Brazil): Brazil voted in favour of resolution 67/234 B, which requests that the Secretary-General open the text of the Arms Trade Treaty (ATT) for signature as of 3 June 2013. We wish to congratulate Ambassador Peter Woolcott of Australia on his able leadership and conduct of the Final United Nations Conference on the Arms Trade Treaty, held during the past two weeks.

We participated actively in the ATT process from its early stages, supporting the adoption of a legally binding multilateral instrument that regulates international transfers of conventional weapons as a means of reducing the likelihood of such weapons being diverted into the illicit market, contributing to international conflicts and fueling armed violence. We reaffirm our support for the text arrived at in the Final Conference last week, even though the inclusion in it of some aspects — such as the unambiguous inclusion in the Treaty's scope of ammunition, a clear prohibition of transfers to unauthorized non-State actors, and a requirement of end-use/end-user certificates for all transfers of conventional weapons — would have contributed to an even stronger treaty.

Ms. Mehta (India): As we stated in the concluding plenary of the Final Conference on the Arms Trade Treaty on 28 March, the draft treaty text that has now been adopted through resolution 67/234 B fell short of our expectations and those of a number of other key stakeholders for a text that is clear, balanced and implementable, and one that is able to attract universal adherence. From the beginning of the Arms Trade Treaty (ATT) process, India maintained that such a treaty should make a real impact on illicit trafficking in conventional arms and on their illicit use, especially by terrorists and other unauthorized and unlawful non-State actors. India has also consistently stressed that the ATT should ensure a balance of obligations between exporting and importing States.

However, the text that is annexed to the resolution just adopted is weak on terrorism and non-State actors, and those concerns find no mention in the Treaty's specific prohibitions. Furthermore, India cannot accept that the Treaty should be used as an instrument in the hands of exporting States to take unilateral force

majeure measures against importing States parties without consequences.

The relevant provisions in the final text do not meet India's requirements. India was an active participant in the ATT negotiations. Underlying our participation in those extended negotiations was the principle that Member States have a legitimate right to self-defence and our belief that there is no conflict between the pursuit of national security objectives and the aspiration that an arms trade treaty be strong, balanced and effective. That is consistent with the strong and effective national export controls that India already has in place with respect to defence items.

My Government will undertake a full and thorough assessment of the ATT text from the perspective of our defence, security and foreign policy interests. At this stage we are not in a position to endorse the text contained in the annex to resolution 67/234 B. We have therefore abstained on the resolution. I request that this statement be reflected in full in the records of this meeting.

Mr. Aljowaily (Egypt): Once again, the United Nations Conference on an Arms Trade Treaty was not able to achieve consensus. One delegation blocked consensus in July, while three others did so last week. Egypt regrets that the Final Conference was not able to reach agreement on a fair, balanced and robust text applicable to all. In that regard, however, I would like to commend Ambassador Peter Woolcott of Australia, who presided over the Final Conference, for his transparency and integrity, and for all the effort he put into achieving consensus. We must recognize that every country has a shared responsibility for not showing enough flexibility to accommodate others' compelling concerns.

Egypt abstained in the voting on resolution 67/234 B, on the Arms Trade Treaty, in order to express our reservations about the principle of adopting an important international instrument on disarmament through a vote. That is a dangerous precedent that threatens to undermine the basis on which most international agreements on disarmament are being developed.

Egypt associates itself with the comments delivered last week by the representative of Kuwait on behalf of the Arab Group and to be delivered, also on behalf of the Arab Group, by the representative of Lebanon later today. I would also like to add the following remarks.

The text that has just been adopted lacks a number of elements that would have helped to achieve the goals and purposes of the Treaty. They include, first, the absence of definitions of important terms and concepts essential to the implementation of the Treaty, including "end use" and "end user". We stress that providing information regarding end use or end user should be consistent with the laws and national security requirements of the receiving party.

Secondly, another important missing element is the criteria by which an exporter would undermine the implementation of the treaty. We believe that United Nations resolutions constitute a clear benchmark for the respect of human rights. Non-cooperation with the Human Rights Council should constitute a serious violation that should trigger prohibition.

Thirdly, the explicit reference to the Geneva Conventions of 1949 is a valuable addition to the prohibitions section. The inclusion of a clear reference to the crimes of aggression and foreign occupation as part of the assessment and prohibitions sections would have clarified the implementation process. It would be necessary for the credibility and moral authority of the Treaty as an instrument of international law.

Fourthly, Egypt believes that all countries should be equally accountable to common benchmarks. Without agreed definitions or clear criteria based on international resolutions, the implementation of the Treaty risks being subjective. It would depend mainly upon the national political considerations of exporting States.

Egypt is well aware of the effects of the illicit trafficking in weapons. We are fully committed to making every effort to combat and eradicate the illicit arms trade. We urge all countries that decide to accede to the Treaty to implement it in good faith in order to achieve its purpose and goals. We will be closely following developments regarding the accession to, entry into force and implementation of the Treaty in order to determine our final position.

Mr. Ovsyanko (Belarus) (*spoke in Russian*): The delegation of the Republic of Belarus actively participated in the Final United Nations Conference on the Arms Trade Treaty, which ended a few days ago. Belarus strove to make every possible effort to ensure that the Treaty was commensurate with its main goal, namely, to prevent the illicit trade in conventional arms. Together with a group of like-minded States and

in our national capacity, we submitted proposals aimed at improving the text of the Treaty. Some of them were taken into account, while others — the most substantive ones — were not reflected in the text presented on 28 March by the President of the Final Conference.

Against that backdrop, we could not declare ourselves in favour of the Treaty, which has a number of serious shortcomings. First, there is no prohibition on shipments of arms to non-State actors, which is the main cause of the illicit proliferation of conventional weapons. Secondly, the reference to international humanitarian law and human rights lacks clarity and is not in accordance with the terminology agreed upon in the United Nations, which leaves a wide margin for subjective interpretations of the export criteria and their implementation in bad faith. Thirdly, in the article on resale, there is a lack of provisions regarding the need for exporters' consent for re-export, which is a key element in preventing arms from falling into the hands of unauthorized end users and, therefore, from being illicitly traded.

The lack of the elements that I mentioned in the Treaty calls into question the effectiveness of the high international standards regulating the international trade in conventional arms and their ability to effectively prevent and eradicate the illicit arms trade. For those reasons, the delegation of the Republic of Belarus abstained in the voting on resolution 67/234 B, entitled "The Arms Trade Treaty".

The Republic of Belarus would like to assure the Assembly that the Treaty will be carefully considered by the relevant State bodies in the Republic of Belarus. A decision on the next steps with regard to the Arms Trade Treaty will be taken after a comprehensive analysis of the text and an assessment of the initial results of the Treaty's implementation.

In conclusion, I would like to thank the President of the Final United Nations Conference on the Arms Trade Treaty, Ambassador Peter Woolcott, for his selfless work in preparing and agreeing to the Treaty text and in conducting the negotiations process.

Mr. Wang Min (China) (*spoke in Chinese*): China consistently supported the negotiations on the Arms Trade Treaty and expected all parties to reach consensus on an effective Treaty to regulate the conventional arms trade and to combat the illicit trafficking in small arms and light weapons. China participated in the negotiations in a constructive manner and made its own contributions to advancing the negotiation process on the final text submitted by the President of the Final United Nations Conference on the Arms Trade Treaty.

China would support a treaty reached through consensus. China is not in favour of pushing through a multilateral arms control treaty at the General Assembly that concerns international security and the security of all nations. We are very concerned about the possible negative precedent for multilateral arms control negotiations. We should insist on negotiating to reach a treaty acceptable to all parties through consensus. Only by doing so can we ensure the universal support and effective implementation of the Treaty. Regrettably, however, resolution 67/234 B, on the Arms Trade Treaty, does not address China's concerns. Therefore, China abstained in the voting. We do not believe that it will set a precedent for future arms-control-treaty negotiations.

Mr. Neo (Singapore): Singapore voted in favour of resolution 67/234 B. Throughout the entire process, from the sessions of the Preparatory Committee to the Final United Nations Conference on the Arms Trade Treaty, Singapore consistently stated its position that an arms trade treaty should be practical, effective and based on feasible and implementable obligations so that it could be universally accepted and its text adopted on the basis of consensus.

The work of Member States during the Final Conference resulted in a much-improved text with clearer and tighter legal language. However, certain articles were introduced late in the day and incorporated into the final text with little opportunity for debate. It would have been better to incorporate more views and proposals to facilitate broader acceptance of the text.

Finally, I would like to take this opportunity to thank the President of the Final Conference, Ambassador Peter Woolcott and his team, as well as the Secretariat, for their tireless efforts during the Conference.

Mr. Ri Tong Il (Democratic People's Republic of Korea): The Democratic People's Republic of Korea voted against resolution 67/234 B. That reflects the position of the Democratic People's Republic of Korea and the grave concerns that my country has with regard to the Arms Trade Treaty. My delegation would like to make the following explanation of vote.

First, as many delegations have noted, the negotiations leading to the Treaty were difficult and it

was clear that there were divergent views and concerns. Looking back over almost 10 days of negotiations, we can see how little those divergent views and legitimate concerns were addressed. The Democratic People's Republic of Korea shares the view that the Treaty is imbalanced. Under the current text, whose interests are best served? The answer is very clear: the interests of exporters. There is no balance between the interests of exporters and those of importers. In fact, we started the negotiations with the very good intention of addressing two issues, namely, coming up with a common standard for regulating the trade in conventional weapons and preventing the diversion of arms to non-State actors. Many delegations are still raising those very serious concerns. To frank, the text does not address either of those objectives.

Exporters have interests in two areas. Their first objective was to find a common standard, but without limitations on exports or overproduction. The Treaty is therefore of great benefit — great profit — for exporters. Secondly, the absence of a legal provision prohibiting the diversion of arms to non-State actors also serves the profit interests of exporters. Under the Treaty, therefore, exporters have come to have two channels that serve their commercial interests. I think that no one can deny that fact.

Secondly, a great number of countries, including the Democratic People's Republic of Korea, insisted on dealing with the issue of transfers of arms to non-State actors. The term "non-State actor" is a crucial one. Many countries asked to have that phrase included, as many African and Latin American countries face the problem of the illicit trafficking in small arms and light weapons. Non-State actors, together with organized crime, are an ongoing and very real aspect of the problem in those countries. However, the fundamental term "non-State actor" was not reflected in the Treaty.

Thirdly, there is a great risk of political manipulation in the interests of exporters. In the language of the text, there are criteria for prohibition consisting of two major elements, but it is up to the individual exporter to judge whether an importing country has clean hands on the issue of human rights and on the matter of so-called Security Council-imposed embargoes. They therefore have an absolute right to decide whether to export or not and whether to reject or deny a request or not. An absolute right of that kind is obviously in the interests of exporters. There is a great danger of political abuse and interference in the internal affairs of sovereign States.

Having made those three points, the delegation of the Democratic People's Republic of Korea would like to express its appreciation for the hard work of Ambassador Woolcott in narrowing the differences among various countries and for all the travel he undertook to meet with different groups around the world. The Democratic People's Republic of Korea was part of one of the groups he addressed and has been engaged in constructive dialogue on the issues as a result. I thank Ambassador Woolcott and his team, as well as all the facilitators, for their hard work.

Mr. Abdullah (Malaysia): Malaysia has always supported the Arms Trade Treaty (ATT) process. We engaged constructively and in good faith to ensure that the outcome would be a strong, balanced and implementable treaty. Malaysia voted in favour of resolution 67/234 B because we recognize that the process has been fruitful.

We recognize that, although the text of the ATT may not satisfy all the concerns of every State, the Treaty will evolve as common understandings and interpretations are made, as implementation moves forward and as the Conference of the Parties develops. As with any new international instrument, Malaysia looks forward to future reflection and consideration, to engaging in internal consultations and to taking the domestic legislative and administrative steps needed to become a State party to the Treaty. Malaysia has no timeline for that process, and it is up to each country to decide on its own pace. As countries begin to implement the ATT, they need to hold fast to the principle of ensuring that the Treaty is implemented in a consistent, objective and non-discriminatory manner. That principle would ensure that all countries are able to work together to close any gaps, remove any loopholes and bring interpretations and implementation closer to the ultimate goal of establishing the highest possible common international standards for regulating the international trade in conventional arms.

My delegation wishes to take this opportunity to express its sincere appreciation to Ambassador Peter Woolcott, President of the Final United Nations Conference on the Arms Trade Treaty, his team and all the members of the Secretariat who have taken the Treaty to where we are now. Ambassador Woolcott had a challenging task, but he handled it with skill,

knowledge and charisma. He was balanced, transparent and inclusive.

My delegation also wishes to thank Ambassador Roberto García Moritán for his efforts, which contributed to the outcome that we have today.

Mr. Al-Jarman (United Arab Emirates) (*spoke in Arabic*): My delegation welcomes the adoption of the Arms Trade Treaty. We voted in favour of resolution 67/234 B, for we believe in the importance of the Treaty's universality. The Treaty provides the international mechanism needed to regulate and improve the arms trade while respecting the right of States to acquire weapons for legitimate self-defence and to limit the threats and the suffering faced by the victims of armed conflict, especially women and children. In order to create the necessary framework for international cooperation, we should build confidence among signatory States of the Treaty. In that regard, we welcome the inclusion in the Treaty of elements that were not part of the original draft and that had a decisive effect in obtaining the consensus of numerous delegations.

Although we voted in favour of the Treaty, we associate ourselves with the concerns to be expressed by the representative of Lebanon as Chair of the Group of Arab States for this month, especially regarding the fact that the Treaty includes no provision guaranteeing the inalienable right to self-determination of all peoples under foreign occupation or the right of States to territorial integrity and political independence of States, rejecting foreign occupation, or reiterating the inadmissibility of the acquisition of territories by force, in accordance with the Charter of the United Nations and international law. We note that the Treaty identifies no formula that guarantees the financing of technical cooperation fund through the assessed contributions from the major arms producers and exporters, which would have provided the opportunity to support developing countries in implementing the obligations through such assistance.

Ms. Ziade (Lebanon) (*spoke in Arabic*): I would like today to reiterate and affirm that Lebanon is a small country that has suffered a great deal. Its citizens continue to die and their property continues to be destroyed because of the illegitimate proliferation of arms. Therefore, based on the historical evidence of human suffering, Lebanon has consistently stressed the importance of arriving at an effective international treaty to regulate the arms trade. This has been the established principled position of Lebanon.

While Lebanon is the current Chair of the Group of Arab States in New York and fully supports the Arab position on the outcome of the Final United Nations Conference on the Arms Trade Treaty, which has been expressed and will be reiterated in the statement to be delivered on behalf of the Group at this meeting, Lebanon voted in favour of resolution 67/234 B.

Mr. Idris (Eritrea): Eritrea has been engaged in the Arms Trade Treaty (ATT) process with high expectations. As my delegation has reiterated on several occasions, a balanced, objective, non-discriminatory ATT that is immune to political use could curb and eradicate diversions of arms to illicit users, thereby contributing qualitatively to regional and international peace and security, as well as to human progress.

Eritrea shares the view that the final text of the ATT fails to take into account the constructive proposals and legitimate concerns of several delegations, including my delegation. More flexibility and time could have allowed us to address the deficiencies of the existing text and to achieve a universal treaty.

However, in the spirit of cooperation for international peace and security, and in the understanding that the provisions of the Treaty will be implemented consistent with the Charter of the United Nations and will not in any way restrict the right of any nation to self-defence, in accordance with Article 51 of the Charter of the United Nations, Eritrea voted in favour of resolution 67/234 B.

Eritrea's vote in favour does not in any way prejudice its position with regard to the final status of the Treaty. The final text will be examined thoroughly by relevant Government bodies, and such assessments will be undertaken with reference to our national defence and security needs.

In conclusion, let me thank Ambassador Peter Woolcott and Ambassador Roberto García Moritán for the skillful manner in which they navigated the process.

Mr. Dehghani (Islamic Republic of Iran): I take the floor in my delegation's explanation of its vote on resolution 67/234 B, on the Arms Trade Treaty (ATT).

The delegation of the Islamic Republic of Iran, like many other delegations, was expecting the conclusion of an effective, robust, balanced and non-discriminatory

ATT, aimed at achieving the noble goal of reducing human suffering resulting from the illicit trade in conventional arms. However, the text, due to many legal flaws and loopholes, falls far short of meeting those expectations and objectives. Accordingly, my delegation was compelled to object to the adoption of the text at the Final United Nations Conference on the Arms Trade Treaty on 28 March, and to cast a negative vote today on the resolution adopting that Treaty in particular, for the following reasons.

First, taking into account the fact that the suppression of acts of aggression is a fundamental purpose of the United Nations, it was expected that the Treaty would clearly prohibit the transfer of conventional arms to aggressors and foreign occupiers. However, ironically and surprisingly, and despite the legitimate demands of a large number of States, it fails to incorporate such a prohibition because certain countries that are very well known for committing acts of aggression and occupation, including in our region in the Middle East, as well as their patron, strongly objected to its inclusion.

As a victim of an act of aggression in recent history, our question is: how can we reduce human suffering by turning a blind eye to aggression that may cost the lives of thousands of innocent people? Are we rewarding aggressors by not prohibiting the transfer of arms to them? That legal flaw is totally unacceptable to my delegation and is one of the main reasons for our objection to the Treaty.

Second, while regulating all international transfers of conventional arms was supposed to be the main goal of the ATT, the text is not applicable to the international movement of conventional arms by or on behalf of States parties. That exemption is a major loophole in the Treaty, and is clearly incompatible with its object and purpose. Those weapons have been used in some areas and in some cases to commit aggression and occupation, causing human losses and destruction of the economic infrastructure in a number of countries, including in the Middle East and the Persian Gulf. In the same vein, paragraph 2 of article 6 provides the grounds for the exemption of the transfer of arms between States members of military alliances. That should be considered another major loophole in the text. In our view, paragraph 2 of article 26 of the Treaty also provides a ground for similar exemptions at the bilateral level.

Third, while the text recognizes even the commercial interests of States in the international trade in conventional arms, it not only falls short of recognizing the inherent right of the States to acquire, produce, export, import and transfer conventional arms required for the realization of the inalienable rights of any State to security, self-defence and territorial integrity, but it also does not accord even the same weight and value to such sovereign rights of States.

Fourth, while the rights of individuals to the trade, the ownership and the use of guns have been well protected in the text in the strongest possible terms in order to meet the constitutional requirements of only one State, unfortunately and despite the serious demands of many States, the inalienable right to self-determination of peoples under foreign occupation, alien and colonial domination has been completely ignored. In that case, that right was ignored in order to appease a notorious occupying Power.

Fifth, while the text emphasizes that nothing should prevent States from adopting measures additional to those contained in the Treaty, it does not require such measures to be consistent with the Treaty's objectives, purposes and principles. That can be considered to be a blank check given to all exporting countries, as they can adopt any measure or standard in exporting arms even if they are not compatible with Treaty provisions and the Treaty's overall objectives and purpose.

Sixth, while the Treaty contains no real mechanism to safeguard the rights of importing countries and while a section on principles was excluded from the operative part of the Treaty as a result of the objections of one State, the inclusion of parts and components in article 4 of the Treaty without any clear definition of that term and the application of the provisions of articles 6 and 7 to the export of such parts and components clearly create a risk whereby any simple dual-use item or piece of equipment could be equated with actual conventional weapons, thus making the situation much worse. That is how many types of equipment for civilian use can easily become subject to restrictive measures that are detrimental to the economic development and well-being of importing developing countries. That situation has occurred despite proposals to balance it, including proposals to emphasize each State party's responsibility not to deny or impose treaty-based conditions or restrictions on the international trade in equipment, products, services, technologies and know-how for civilian purposes.

Seventh, while the reference in article 6 of the Treaty to measures adopted by the Security Council has no legal weight or value, its incorporation in the current text together with the use of the term "in particular, arms embargoes" in paragraph 1 surprisingly innovates a new type of self-imposed arms embargo in cases where the Security Council has not even adopted an arms embargo. It also gives rise to a completely new, and of course erroneous, understanding of the obligations of States Members of the United Nations under the Charter.

Eighth, while the rights of arms-exporting States is preserved in the text, the right of importing States to acquire and import arms for their security needs is subject to the discretionary judgment and extremely subjective assessment of exporting States. For that reason, the text is highly abusive and susceptible to politicization, manipulation and discrimination.

Ninth, while defining the basic terms of a treaty is an established practice in international treaty-making, the text of the Treaty, despite repeated demands by many delegations, suffers from a failure to provide adequate definitions. In its current format, the Treaty relies mainly on national definitions and control lists, which normally vary from one State to another. That situation goes against the central tenet of establishing common international standards and provides a convenient loophole to all exporting States to allow them to circumvent Treaty provisions by defining terms in a way that serves their interests.

Tenth, while the equality of a State is a legal and Charter-based principle, it is excluded from the Treaty. That is perhaps because in the Treaty's imbalanced and discriminatory text — which takes into account to the greatest extent possible only the rights and interests of arms-exporting countries in the form of exemptions, exceptions and protections and disregards the most basic and inherent rights of importing States — there is no room for such a principle.

Eleventh, while numerous major documents of the United Nations reaffirm that States have responsibilities in exercising restraint over the production and transfer of conventional arms, the Treaty text has failed to address that important aspect of conventional arms control, despite repeated calls by many countries that it do so.

Twelfth, it is regrettable that, for the first time in the history of international treaty-making within the United Nations, a text has been tendered for adoption as an internationally legally binding instrument without being negotiated. Despite the strong calls by many delegations and their submissions of concrete proposals, minimal changes were made to the text, while in some instances many new concepts, paragraphs and phrases were added to the Treaty without ever having been presented by any delegation during the consultations, even orally. Indeed, legal flaws, loopholes and other deficiencies in the text are the product of a process by which the established practice of the United Nations to conduct negotiations in an open, transparent and participatory manner and to accommodate one anothers' concerns is overlooked.

As mentioned by other delegations, we also would like to underline that the working methods adopted during the ATT process do not constitute a precedent for any future multilateral treaty negotiations in the field of security and disarmament. I also wish to emphasize that certain delegations that made an attempt even to redefine consensus should not forget that the equality of States is the guiding principle at the United Nations. Therefore, the voice of each and every country, regardless of its size, location or population, must be heard and taken into account.

In conclusion, the Islamic Republic of Iran has been a staunch supporter of the novel idea behind the ATT, inter alia, the idea of preventing arms from falling into the hands of criminals, illegal armed groups, terrorists and extremist groups. Iran is situated in a region that has experienced the bitter effects of the flow of arms to such groups. We are witnessing the adverse consequences of the arms trade on the security and the well-being of the people in our region. We actively participated in the discussions during the preparatory phase and the conferences held prior to the finalization of the Treaty, in the hope that the text could be hammered out in a manner that covered the legitimate concerns of the wider membership of the United Nations. Our sincere hope was to reach a consensual and universally accepted text. However, under the pressure of some countries, the Treaty was adopted in a hasty manner without having the universal acceptable that is a prerequisite for a such a treaty. The results of the voting on the resolution today are vividly indicative of that fact.

Let me conclude with an expression of the hope that, with the effective cooperation and will of all States, we will be able to deal effectively with the

menace stemming from the excessive accumulation of arms and the militarization of regions already suffering from conflicts by putting an end to the illegal transfer of arms into the hands of non-State actors.

The Acting President: We have heard the last speaker in explanation of vote. We shall now hear statements by delegations following the adoption of resolution 67/234 B.

Mr. Dondisch (Mexico): I wish to deliver this political declaration on behalf of the following States, without prejudice to their own individual views: Albania, Antigua and Barbuda, Austria, the Bahamas, Barbados, Belize, Belgium, Benin, Bulgaria, Burkina Faso, Cape Verde, Chad, Chile, Colombia, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, Dominica, the Dominican Republic, El Salvador, Estonia, Finland, France, the Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, Ireland, Italy, Jamaica, Latvia, Liechtenstein, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Mali, Malta, the Marshall Islands, Mauritius, the Federated States of Micronesia, Monaco, Morocco, Mexico, Montenegro, Mozambique, Nauru, the Netherlands, New Zealand, the Niger, Nigeria, Norway, Palau, Panama, Papua New Guinea, Paraguay, Peru, Poland, Portugal, the Republic of Korea, Romania, Rwanda, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, South Africa, South Sudan, Spain, Suriname, Sweden, Switzerland, Timor-Leste, Togo, Trinidad and Tobago, Turkey, Uruguay and Vanuatu.

Today the General Assembly has made a historic achievement. It has adopted the Arms Trade Treaty. That would not have been possible without the hard work of the President of the Final United Nations Conference on the Arms Trade Treaty, Ambassador Peter Woolcott, and of his team, as well as that of the facilitators, who for the past two weeks conducted the negotiation process in an open and transparent manner.

After years of hard work, culminating today, we have produced a strong text that fulfils the mandate given to us by the General Assembly. We believe that the effective implementation of the Treaty will make a real difference for the people of the world.

The Treaty prohibits conventional arms transfers when they would violate relevant international treaty obligations, including those contained in human rights treaties. The Treaty also prohibits all transfers of arms that would be used in the commission of genocide, crimes against humanity or war crimes in all types of armed conflict. Any transfer that has the potential to lead to negative consequences, such as serious violations of human rights or international humanitarian law, shall not be authorized. Furthermore, the risk of diversion has to be assessed.

The Treaty would allow us to regulate all international transfers of all conventional arms. National control lists should be comprehensive. The Treaty enhances transparency and strengthens accountability by making key information available.

We know that the final text does not fully meet everyone's expectations. However, the Treaty enables us to make it stronger and, through its implementation, to adapt it to future developments. We look forward to working with all future State parties to make it so.

This is just the beginning. The hard work starts now. We must secure the rapid entry into force of this historic Treaty and implement it as soon as possible.

At the beginning of this process, we set out to make a real difference in people's lives. That continues to be our commitment, which we will carry out through the implementation of the Treaty.

Mr. Ulibarri (Costa Rica) (*spoke in Spanish*): I speak on behalf of Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the United Kingdom.

Seven years ago, seven countries saw the terrible harm being caused by the unregulated trade in conventional arms. We listened to the voices of people around the world living daily in fear of violence and armed conflict and we resolved to act. However, we did not act alone. Countless people deserve credit for what has been achieved today. Many of their names will be familiar. We begin with eight Nobel Peace Laureates, led by former President of Costa Rica, Óscar Arias Sánchez, who was the first to inspire us to change the world by improving the way we controlled the international arms trade. We also extend our thanks to Argentine Ambassador Roberto García Moritán, whose leadership throughout the process brought us close to a robust, global treaty. And, of course, we must thank Ambassador Peter Woolcott, President of the Final United Nations Conference on the Arms Trade Treaty, for his excellent leadership over the past two weeks. His

work led us to a strong text that deserves the support of the international community.

But those three names are just a drop in the ocean. Hundreds of people — diplomats, activists, victims and politicians — devoted years of their lives in pursuit of the Treaty. Their names may not be immortalized in newsprint or in the records of the Organization, but their tireless work and their belief in the importance of the effort have made it possible for us to reach this point. All of those people can be proud of what we have achieved today. We can also be proud of having played our part towards realizing their dream. Once again, the United Nations has reminded us that, together, we can face the most dire and complex problems. With the adoption of the Arms Trade Treaty, this institution has shown that it continues to be indispensable to achieving peace and security in the twenty-first century.

The text that we have adopted by an overwhelming majority establishes the first truly global standards for the arms trade. It reaffirms the United Nations commitment to human rights and international humanitarian law. It covers a wide range of conventional arms, including all calibres of ammunition and their parts and components.

But our work does not end today. This is only one milestone on our long journey to a safer and more just world. We stand ready to take the first steps along the path to its implementation. As co-authors, our special responsibility for the Treaty does not end here. The Treaty is indeed strong, but together we will work to make it even more so.

We are called to that task by the millions of people who have needlessly lost their lives because of the small arms and light weapons that flow unrestricted across borders. We are also called by the child soldiers who have been armed because of the lack of proper restrictions. We are called by the families that have been torn apart, the communities that have been destroyed, the societies that are terrorized and the victims of organized crime. Above all, we are called to this task by the millions of human beings who will able to continue to live because of the decision we have taken today. They are the reason for the work we have done here, and they are the people for whom we will continue to work.

This is a great achievement that we will never forget, but its true power lies not in the lives it touches, but in the lives it will save. We have come here to make history. We have succeeded. If we stay the course, our reward will be a world moving closer to the peace that all nations deserve.

Mr. Charles (Trinidad and Tobago): I have the honour to speak on behalf of the member States of the Caribbean Community (CARICOM), namely, Antigua and Barbuda, the Bahamas, Barbados, Belize, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and my own country, Trinidad and Tobago.

The adoption of the Arms Trade Treaty (ATT) has reaffirmed CARICOM's faith in multilateralism in general, and in the United Nations system in particular in establishing legally binding rules for the conduct of the international relations among States. Today's action represents an important first step towards closing a significant lacuna in the international legal order.

The Governments and people of our region now have an international instrument that has the potential, in the near future, to supplement their efforts at preventing the diversion of conventional arms to the illicit market, including small arms and light weapons and their an munition, parts and components. That trade, which is associated with international drug trafficking and other forms of transnational organized crime, has negatively impacted our societies. CARICOM is of the view that the provisions of the Arms Trade Treaty can assist us in maximizing the use of existing agreements and in concluding new ones for mutual legal assistance in investigations and prosecutions in addressing violations of the Treaty.

CARICOM is proud to be part of this history-making exercise, together with other States, intergovernmental organizations and representatives of civil society and the non-governmental organization community, in crafting a treaty that establishes that the regulation and control of the global arms trade is the responsibility of all States, particularly arms producers and exporters. CARICOM is satisfied that the ATT identifies clear obligations for States parties to prevent the diversion of conventional arms into the illicit market. We are, however, disappointed by the exclusion of ammunition and parts and components from the articles on diversion and the scope of the treaty.

The States of CARICOM have always adhered to the tenets of the rule of law in their relations with other States, both bilaterally and at the multilateral level. Consequently, we welcome the provisions in the ATT

that prohibit a State party from authorizing a transfer of conventional arms if it would be in violation of non-derogable norms under international law. We also welcome the provisions for the settlement of disputes, which could assist us in ensuring that disputes with other States parties concerning the interpretation and application of the provisions of the Treaty do not remain unresolved, thereby undermining the rule of law.

Diplomatic negotiations conducted in good faith, if successful, usually result in compromise on the divergent positions held by negotiating States. The text of the Treaty that we have adopted contains examples of some of the necessary compromises that are inevitable if the differences between divergent views and positions are to be bridged in a multilateral negotiating process.

It is true that not everything in the Treaty is totally acceptable to CARICOM. Given the human rights and humanitarian law focus of the instrument, we lament the absence of a sharper focus on customary international law. On balance, however, there are many elements of this instrument that we endorse and that led CARICOM to vote in favour of the adoption of the Arms Trade Treaty. We wish also to place on record our understanding that the concept of "object and purpose" in the law of treaties is not confined to one article even if that article were to be entitled "Object and purpose".

CARICOM also wishes to urge all future States parties to interpret and apply this instrument in an objective and non-discriminatory manner and to resist the temptation to exploit any possible loopholes that may exist in the ATT.

Finally, we applaud all States, intergovernmental organizations and members of civil society for their participation in the negotiating Conference, which made it possible for the United Nations to achieve this milestone today. Special tribute must be paid to Ambassador Peter Woolcott and his team for their hard work, which allowed us to achieve this noble objective. Similarly, CARICOM also pays tribute to Ambassador Roberto García Moritán of Argentina, whose hard work laid the foundation for our achievement today.

The President: I now give the floor to the observer of the European Union.

Mr. Mayr-Harting (European Union): We would like to express our great satisfaction at the General Assembly's adoption of a balanced and robust Arms Trade Treaty, which emerged following seven years of negotiations. We would like to express our particular appreciation to Ambassador Peter Woolcott, President of the Final United Nations Conference on the Arms Trade Treaty.

The Treaty is the product of a comprehensive and inclusive process that allowed all States Members of the United Nations to express their views and see them reflected in the final text elaborated by the United Nations Conference and adopted today by the Assembly. The international community can claim full ownership of this new landmark international instrument.

The Treaty we have agreed on will make the trade in conventional arms more responsible and transparent, reduce human suffering and tangibly contribute to international peace, security and stability. The Treaty contains strong parameters, including on international humanitarian and human rights law. The golden rule is reflected in it. The Treaty covers a wide range of arms, including ammunition and parts and components. It contains clear transparency provisions. We have a strong Treaty that will be capable of adapting to future developments, including technological ones.

Those are all elements of a Treaty that will allow us to meet the ambitious objective set by the General Assembly in its previous resolutions. We have managed to adopt a strong and robust Arms Trade Treaty that establishes the highest common international standards for the international transfer of conventional arms. The European Union was actively engaged during the entire Arms Trade Treaty process and will continue to be engaged in the next stages in order to ensure the Treaty's swift entry into force and universalization, as well as to support the effective implementation of the Treaty by all States. We urge all Member States to sign and ratify the Treaty as soon as possible to ensure that it can make a difference to our citizens and improve their security.

Mr. Osorio (Colombia) (*spoke in Spanish*): I have the honour to speak on behalf of the Bahamas, Belize, Chile, Colombia, El Salvador, Guatemala, Jamaica, Mexico, Peru, Trinidad and Tobago and Uruguay.

(*spoke in English*)

After several years of intense negotiations, today we have finally adopted the Arms Trade Treaty in the General Assembly. This great achievement would not have been possible without the skilful leadership of the President of the Final United Nations Conference on

the Arms Trade Treaty, Ambassador Peter Woolcott. We take this opportunity to commend him and his very able team and the Secretariat for the hard work, transparency and organization with which they have conducted the Final Conference. Our appreciation goes as well to all the facilitators, whose work was crucial in finding compromises wherever there were strongly differing views.

We also recognize that the success of the Final Conference builds on the progress that we achieved in previous stages of the negotiation process. That is why we also want to acknowledge the work of the former President of the Conference, Ambassador Roberto García Moritán. Last, but not least, we want to thank civil society and non-governmental organizations, which, for many years now, pushed for the adoption of an arms trade treaty by the international community.

At this political juncture, given the current international conditions, we believe that the text we have produced is the best we could have achieved. It not only creates a common international regime to regulate the arms trade, but it gives us the opportunity to further develop a more robust control regime in the future, both through possible amendments to update the Treaty and through the revision of its implementation at the Conferences of States Parties. We look forward to the future revision of the scope of the Treaty in order to include more clearly other conventional weapons, such as hand grenades, mines and explosives.

As the Assembly knows very well, the subject matter of the Treaty is at the heart of our region's concern. We suffer every day the negative consequences of illicit trafficking, especially in small arms and light weapons. That is the reason that we have always strongly advocated for a meaningful arms trade treaty. In that regard, we note with appreciation that several of the suggestions that we put forward throughout the negotiation process were incorporated in the final text that we have adopted. For example, we welcome the fact that the text not only includes small arms and light weapons in its scope, but establishes that the descriptions States parties will use to regulate those types of weapons cover all possible small arms and light weapons. On the other hand, we call on future States parties to apply as well, to the fullest extent possible, all of the Treaty's provisions to munitions, ammunition, parts and components.

It is now time to look to the future. In order for the Arms Trade Treaty to have a positive impact on the ground, we must ensure its rapid entry into force and its effective implementation. We urge all delegations to sign and ratify the Treaty as soon as possible to that end, as well as to achieve its eventual universality.

Finally, we want to reiterate that the same high level of importance and commitment that the group of friends has shown throughout the process will be reflected in our implementation of the Arms Trade Treaty.

Ms. Ziade (Lebanon) (*spoke in Arabic*): The Group of Arab States has consistently supported international efforts to arrive at an arms trade treaty. On more than one occasion, the Group has voiced its support for reaching a globally balanced treaty to regulate the arms trade and to combat illicit trafficking, so as to reduce people's suffering and contribute to the achievement of peace and security throughout the world. The Arab Group has already expressed its position with regard to the outcome of the Final United Nations Conference on the Arms Trade Treaty, held in New York between 18 and 28 March, as well as its position with regard to the text considered at the Conference. Our position was set out in the official report of the Conference (A/CONF.217/2013/4).

The Arab Group would have been ready to move forward and join the consensus had it been achieved in conformity with the provisions of resolution 67/234, of 24 December 2012. The Arab Group would have done so out of its desire to achieve an arms trade treaty and acknowledge the efforts made by the President of the Conference to achieve consensus through the elaboration of a draft treaty and the improvements made to it, despite the fact that the text before us does not satisfy the demands voiced through adequate means throughout the negotiating process. Those demands include, first, the taking into account of the interests of all States, not just those of major exporting and producing States, and the consideration of all delegations' positions in a balanced manner.

Our second demand was to incorporate the inalienable right to self-determination of all peoples suffering under the yoke of foreign occupation, as well as States' rights to regional security and political independence and to reject foreign occupation, such as Israel's practices in the occupied Arab territories, including in the occupied Palestinian territories. The Arab Group wishes to express its surprise that the text

adopted excludes the rejection of foreign occupation in the "Principles" section of the Treaty — although it is a blatant violation of international peace and security and runs counter to international law in general, and to humanitarian international law and human rights law in particular.

Our third demand was for a mechanism to settle disputes with regard to the interpretation and implementation of the Treaty, thereby assuring importing States that the Treaty would not be implemented in a politicized or subjective manner.

Our fourth demand was that the technical cooperation fund should be financed through contributions from major producing and exporting States and that its activities be focused on supporting developing States' efforts in implementing Treaty obligations.

Our fifth demand was that the phrase "end user" be replaced by "end use" throughout the text.

Our sixth demand was that the Treaty's entry into force should depend upon its being adhered to by a sufficient number of States, given that adherence by the major producing, exporting and importing Member States would contribute to its effectiveness.

The Treaty's objective reporting system, which is characterized by selectivity, lacks a clear-cut mechanism requiring exporting States to present sufficient information in rejecting the export or transfer of weapons. Moreover, all references to the need for voluntary reporting by the parties to the Treaty were eliminated.

Lastly, the "Principles" section should have been an integral part of the operative paragraphs of the Treaty.

The States members of the League of Arab States emphasize their position on record that accepting the credentials, which were signed in Jerusalem, of the Israeli delegation to the Final United Nations Conference on the Arms Trade Treaty in no way signals a recognition on the part of the Arab States, the United Nations or the international community of the illegal status quo imposed by Israel, the occupying Power, in the city of Jerusalem, including the claim that Jerusalem is its capital.

The Arab Group would like once again to state its position that the political understanding that allowed the participation of the State of Palestine and the Holy See in the Conference, as well as the manner in which the credentials of those two delegations were treated, was an exceptional, one-time arrangement that can in no way constitute a precedent to be used in other conferences in which participation is open to all States.

In conclusion, the Arab Group believes that the United Nations is the only framework for negotiating international treaties, whose adoption should be consensual. That is the framework that has been agreed to for arms-control and disarmament negotiations.

Mr. Bamba (Côte d'Ivoire) (*spoke in French*): On behalf of the 15 members of the Economic Community of West African States (ECOWAS), I would like to voice our satisfaction at the adoption of the Arms Trade Treaty through resolution 67/234 B.

This is but a first step, albeit a decisive one. For the member States of ECOWAS, which, on a daily basis, experience the tragic consequences of the lack of international regulation of arms transfers, it is certainly a significant step, as the spread and uncontrolled accumulation of conventional arms undoubtedly represents the most serious threat to the peace and security of our States. Aware of the scale and scope of the challenge, our region has had in place a convention on small arms and light weapons and their ammunition since 2006. However, we very quickly understood that such a measure taken at the regional level — in a region where there are of course no arms-manufacturing States — would simply be insufficient. What was needed was greater awareness at the international level, with a view to pooling all our efforts.

It is in that light that one should see our commitment to achieving an international arms trade treaty that would, among other things, be open to all concerned parties — including manufacturers and exporters, and in particular exporters of conventional arms — and, in the long term, lead to limiting the number of conflicts, thereby creating conditions for sustainable, lasting peace and stability for our States, so as to better meet the challenges posed by development.

The final text of the Treaty that we have just adopted does not reflect some of our concerns. Those include a ban on arms transfers to unauthorized entities by importing or receiving States, the adoption of the broadest possible scope to cover all existing and future conventional arms and their ammunition, the taking into account of munitions throughout the whole transfer chain, as well as an article on diversion and a stronger

commitment in favour of international assistance to ensure the implementation of the Treaty.

In spire of all that, it behoves us to recognize that, even with its limitations, the Treaty does contain significant steps forward. It focuses on the need for enhanced control of munitions and components by devoting entire articles to that aspect, and by subjecting imports and exports to the same standards as those applying to conventional arms. Furthermore, article 20, paragraph 3, entitled "Amendments", opens up the possibility to States parties to gradually improve the Treaty by focusing on major issues that were not resolved within the framework of the recently completed negotiations.

In conclusion, I would like to state here that the member States of ECOWAS, which approved the text of the Treaty on 28 March, have committed themselves to facing the new challenges regarding the Treaty's implementation as soon as it enters into force.

Lastly, I would also like to pay warm tribute to the President of the Final Conference, Ambassador Peter Woolcott, for the outstanding quality of his and his team's work, as well as to thank him for his bravery, transparency and integrity. I would also like pay tribute to the non-governmental organizations that provided constant support to Member States throughout the negotiations.

Mr. Nishida (Japan): Japan welcomes the adoption of the Arms Trade Treaty (ATT) through resolution 67/234 B — an achievement for which Japan advocated for years.

We fully endorse the joint statement made by the representative of Costa Rica on behalf of the seven authors of the ATT.

I would like to take this opportunity to express our deepest appreciation for the outstanding work of Ambassador Peter Woolcott of Australia, who presided over the Final United Nations Conference on the ATT, as well as for the devotion and professionalism demonstrated by his team.

By implementing standards on international humanitarian law and human rights law, the Arms Trade Treaty will prevent the transfer of arms into the wrong hands. States and members of civil society alike have referred to such standards as "golden rules".

With the adoption of the Arms Trade Treaty, we now have a solid basis to assess whether States are conducting their arms transfers responsibly or not. With the scope of items and activities covered in the Treaty, States can be held accountable for their actions.

Throughout the negotiations, Japan attached particular importance to enhancing transparency and strengthening accountability through a reporting mechanism. Japan also believes the Treaty will contribute to building confidence among States. The sharing of national control lists, for example, will provide both predictability and transparency in arms transfers.

As the proponents of the Arms Trade Treaty repeatedly said throughout the negotiations, we now have the floor, not the ceiling. In order to better implement the Treaty, each State can do more than what the ATT prescribes. In that regard, international cooperation and assistance are very much essential.

The process of establishing the Treaty may have ended today, but the journey of perfecting the framework for regulating the global arms trade has just begun. Japan will continue to do its utmost in that endeavour.

The meeting rose at 1.10 p.m.